srp.

HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5478 OF 2007.

Omkar Madan Velhal. ..Petitioner.

V E R S U S

The Education Officer and others. ..Respondents.

Mr. R. M. Kolge for the petitioner.

CORAM: S.B.MHASE & D.G.KARNIK,JJ.

DATE : OCTOBER 22, 2007.

P.C.

1. Heard learned counsel for the petitioner. By this petition the petitioner challenges the communication dated 6th February 2007 issued by the respondent no.2 rejecting the petitioner's application for appointment on compassionate ground.

2. We are not inclined to entertain the petition for two reasons. Firstly, the petitioner's mother died on 14th February 1999; more than 8 years have since passed eliminating any ground need to tide over a financial crisis arising out of the death. Secondly, the petitioner's father is employed in the Zilla Parishad, Sangli and draws a salary of

Rs.13,000/- per month. The grand father of the petitioner, with whom the the petitioner allegedly stays is also drawing pension. This is not a case of penury of financial crises arising out of untimely death of a sole breadwinner in the family. Petitioner's family has a reasonable amount of income. Appointments on compassionate ground are an exception to the rule of equal opportunity in employment contained in Articles 14 & 16 of the Constitution of India. As the petitioner is not suffering from any penury, the petitioner cannot by-pass the rule of equality and claim employment on compassionate grounds. In the circumstances the petition is rejected summarily.

(D.G.KARNIK, J.) **(S.B.MHASE, J.)**